IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Appeal From Order st no.l52l of 2006
with
Civil Appln nos 77 & 78 of 2006

Mun Corpn of Gr Mumbai and ors.. appellants
vs
New Era Fabrics Ltd and ors.. respondents

Mrs Geeta Joglekar for BMC appellants
Mr M M Vashi for respondents

CORAM; A.M.KHANWILKAR J.

DATED 7.3.2006

P.C.

. Heard learned counsel for the parties. Perused the application . I find substance in the objection taken at the instance of the respondent that the applicants have not approached this court with clean hands but by making incorrect statement on facts in the application. In the application it is stated that the certified copy of the impugned order was applied on 9.l.2005 but the same is not yet received. This statement is falsified by the contents of the endorsement appearing in the certified copy now filed by the applicant.It mentions that the application for certified copy of the impugned order dated 4.l0.2005 was made on 5.l2.2005 and same was processed and made ready and

delivered on 20.l2.2005 which is much before the affidavit filed in support of this application on 9.l.2006. Notwithstanding that, it is stated in the application that the certified copy is not yet ready. In the circumstances the application will have to he rejected on this count alone.

. It is undisputed that the order which is appealed in the present Appeal From Order is ad-interim order and the notice of motion is still pending. In such situation as is rightly contended by the counsel for the respondent, the trial court can be asked to decide the main notice of motion no.3728 of 2005. The trial court shall dispose of the said notice of motion expeditiously preferably by the end of April 2006. The Appeal as well as the civil applications stand disposed of.